S.B.Cr.Misc. II Bail App. No. 5650/2007
(Shankar Dass @ Shankar Lal Vs. State of Rajasthan)

Date of order : 23/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. R.S.Gill for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application. The first bail application came to be dismissed by order dated 3.5.2007 as not pressed, however, thereafter the police has filed challan and the trial court has recorded the statements of eye witnesses.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers as also the statement of eye witnesses.

According to learned counsel for the petitioner there are only two eye witnesses PW-1 Nanuram and PW-2 Hanumandas, they have been examined by the trial court and both the eye witnesses did not support the prosecution case and turned hostile. There is no other eye witness to the occurrence. This fact has not been disputed by the public prosecutor.

Having regard to facts and circumstances of the case and keeping in view the fact that both the eye witnesses have turned

hostile and did not support the prosecution case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Shankar Dass @ Shankar Lal S/o Birbal Dass be released on bail in FIR No. 62/2007, P.S. Suratgarh, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP